

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRIM FIT, LLC,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:06-CV-0049 CEJ
)	
DONALD O. DICKEY and)	
KATHLEEN A. DICKEY,)	
)	
Defendants.)	

ORDER

This matter is before the Court on plaintiff's motion to consolidate the action entitled Voss v. Dickey, No. 4:06-CV-1695 (MLM), presently pending before Magistrate Judge Mary Ann L. Medler, with action before this Court. Defendant consents to the proposed consolidation.

Rule 42(a), Fed. R. Civ. P., provides that a court may consolidate actions involving a common question of law or fact. The two cases arise from plaintiff's employment relationship with defendants. Plaintiff Voss is an owner and manager of Trim Fit, LLC. In the action currently pending before Judge Medler, plaintiff Voss seeks to recover on a promissory note issued to defendant Donald O. Dickey during the course of their employment relationship. In the case pending before this Court, plaintiff Trim Fit seeks to enforce a non-compete clause in Independent Contractor Agreement between Trim Fit and defendants, and also seeks an injunction, an accounting, damages, and other relief. The cases

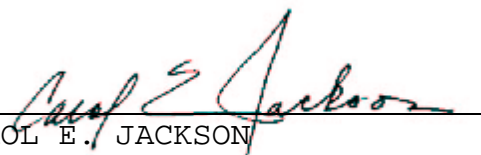
involve common questions of law and fact and thus consolidation is appropriate.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to consolidate is **granted**.

IT IS FURTHER ORDERED that Voss v. Dickey, No. 4:06-CV-1695 (MLM), is consolidated with this action, Trim Fit, LLC v. Dickey, et al., No. 4:06-CV-0049 (CEJ).

IT IS FURTHER ORDERED that henceforth all pleadings and other documents in these matters shall be filed in Trim Fit, LLC v. Dickey, et al., No. 4:06-CV-0049 (CEJ).


CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 29th day of January, 2007.